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DEPARTMENT OF TRANSPORTATION

[4910-22-P]

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic U-69 guard bars, manganese casting, turnout braces, and weld kits for CREATE rail projects in Chicago, Illinois.

DATES: The effective date of the waiver is [insert date one day after publication in Federal Register].

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at gerald.yakowenko@dot.gov. For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366-1373, or via e-mail at Jomar.Maldonado@dot.gov. Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate in procurement of non-domestic U-69 guard bars, manganese casting, turnout braces, and weld kits for CREATE rail projects in Chicago, Illinois.

In accordance with Division A, section 122 of the "Consolidated and Further Continuing Appropriations Act, 2012" (Pub. L. 112-55), FHWA published a notice of intent to issue a waiver on its Web site for non-domestic U-69 guard bars, manganese casting, turnout braces, and weld kits (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=103>) on December 9, 2014. The FHWA received no comments in response to the publication. During the 15-day comment period, FHWA conducted additional nationwide review to locate potential domestic manufacturers of U-69 guard bars, manganese casting, turnout braces, and weld kits. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of the U-69 guard bars, manganese casting, turnout braces, and weld kits.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is

appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the Illinois waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410)

Dated: February 6, 2015.

Gregory G. Nadeau
Acting Administrator
Federal Highway Administration

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